

**REMARKS**

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1-38 were pending in the application, of which Claims 1, 13, 18, 26, and 30 are independent. In the Final Office Action dated August 9, 2005, Claims 1-2, 13, 18, and 30 were rejected under 35 U.S.C. § 102(b) and Claims 3-12, 14-17, 19-29, and 31-38 were rejected under 35 U.S.C. § 103(a). Following this response, Claims 1-21, 24, 26-39 remain in this application, with Claims 22-23 and 25 being canceled without prejudice or disclaimer and Claim 39 being added by this amendment. Applicants hereby address the Examiner's rejections in turn.

Applicants thank Examiner Singh for the courtesy of a telephone interview on October 5, 2005, requested by the undersigned to discuss the rejection of Claims 1, 13, 18, 26, and 30. During the interview, regarding Claims 1 and 13, Applicants asserted that *Howe* at least does not disclose determining whether the call was forwarded prior to being forwarded to the voice mail system, if the call was not forwarded prior to being forwarded to the voice mail system, and if the call was forwarded prior to being forwarded to the voice mail system, then denying call monitoring. For example, Applicants asserted that *Howe* merely discloses a message services comprising an answering machine-type service, or any other real-time connection-oriented electronic messaging service including a video voice mail service or an electronic mail equivalent of a voice mail service.

Furthermore, during the interview, regarding Claims 18 and 30, Applicants asserted that in *Howe*, sending both a call monitoring alert signal and an activate call monitoring data message to CPE associated with the called party is not disclosed. Rather *Howe* merely discloses providing the called party has three choices: accept a

communication; reject the communication; or request monitoring of the communication. In other words, *Howe* is completely silent at least with respect to the claimed activate call monitoring data message.

Moreover, during the interview, regarding Claim 26, Applicants asserted that in *Howe*, the call is not forwarded from a central office switch to a voice mailbox of a VMS associated with a called party, rather the call is routed from service node 16 to a message service. Neither service node 16 or message service comprise a CO switch. In *Howe*, rather, service node 16 includes the message service. No agreement was made regarding patentability of Claims 1, 13, 18, 26, and 30.

I. Change to Attorney Docket Number

Please note that the Attorney Docket Number for this application is now **60027.0246US01/BS01306**.

II. Rejection of the Claims Under 35 U.S.C. § 102(b)

In the Final Office Action dated August 9, 2005, the Examiner rejected Claims 1-2, 13, 18, and 30 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,471,519 ("*Howe*"). Claims 1, 13, 18, and 30 has been amended, and Applicants respectfully submit that the amendments overcome this rejection and add no new matter. Claim 2 has been amended to place it in better form for consideration.

Claims 1-2 and 13

Amended Claim 13 is patentably distinguishable over the cited art for at least the reason that it recites, for example, "determining whether the call was forwarded prior to

being forwarded to the voice mail system; if the call was not forwarded prior to being forwarded to the voice mail system..." and "if the call was forwarded prior to being forwarded to the voice mail system, then denying call monitoring." Amended Claim 1 includes a similar recitation.

In contrast, *Howe* at least does not disclose the aforementioned recitation. For example, *Howe* discloses that a message service is provided by a service node 16, and includes a voice mail service. (See col. 9, lines 26-28.) The message service also may comprise an answering machine-type service, or any other real-time connection-oriented electronic messaging service including a video voice mail service or an electronic mail equivalent of a voice mail service. (See col. 9, lines 28-33.) The service node 16 may also route the communication to an external message service 29 based on the telephone number of the external message service 29 provided by the service control point 15. (See col. 9, lines 33-36.) The service node 16 then disconnects itself from the communication by sending a transfer message to the service switching point 14. (See col. 9, lines 36-38.) In contrast, embodiments of the invention may include a voice mail system (VMS) 102 and a central office (CO) switch 100. (See Fig. 1 and page 7, lines 4- 5.) VMS 102 may receive a forwarded call from CO 100. (See page 11, line 23.) With embodiments of the invention, VMS 102 may determine whether the call was forwarded, prior to being forwarded to VMS 102. (See page 11, lines 23-25.) If the call was not previously forwarded, consistent with an embodiment of the invention, then VMS 102 may send a start of greeting (SOG) signal to CO 100. (See page 11, lines 25-26.) In *Howe*, determining whether the call was forwarded prior to being forwarded to the voice mail system is not disclosed. In addition, *Howe* does not

disclose denying call monitoring if the call was forwarded prior to being forwarded to the voice mail system. Rather *Howe* merely discloses message services comprising an answering machine-type service, or any other real-time connection-oriented electronic messaging service including a video voice mail service or an electronic mail equivalent of a voice mail service. (See col. 9, lines 28-33.)

*Howe* does not anticipate the claimed invention because *Howe* at least does not disclose “determining whether the call was forwarded prior to being forwarded to the voice mail system; if the call was not forwarded prior to being forwarded to the voice mail system...” and “if the call was forwarded prior to being forwarded to the voice mail system, then denying call monitoring”, as recited by amended Claim 13. Amended Claim 1 includes a similar recitation. Accordingly, independent Claims 1 and 13 patentably distinguish the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of Claims 1 and 13.

Dependent Claim 2 is also allowable at least for the reasons described above regarding independent Claim 1, and by virtue of its dependency upon independent Claim 1. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claim 2.

#### Claims 18 and 30

Amended Claim 18 is patentably distinguishable over the cited art for at least the reason that it recites, for example, “sending a call monitoring alert signal and an activate call monitoring data message to customer premises equipment (CPE) associated with the called party, wherein the call monitoring alert signal and the activate call monitoring

data message alert the called party that call monitoring is available.” Amended Claim 30 is patentably distinguishable over the cited art for at least the reason that it recites, for example, “in response to receiving the activate call monitoring data message, providing call monitoring to the called party, wherein the CPE automatically goes off-hook and engages a speaker assembly to provide call monitoring to the called party.”

In contrast, *Howe* at least does not disclose the aforementioned recitations. For example, *Howe* discloses that if a called party picked up within the first three rings, the called party has three choices: accept a communication; reject the communication; or request monitoring of the communication. (See col. 10, lines 29-33.) If the called party requests monitoring of the communication, the communication is routed to a message service and a one-way connection from the communication to the called party is established via service node 16 so that the called party may monitor the communication. (See col. 9, lines 53-57.) In contrast, embodiments of the invention may include CPE receiving the call monitoring alert signal and the active call monitoring data message. (See page 5, lines 10-11.) For example, the CPE can be a conventional CPE or a special CPE, where a special CPE is a CPE especially adapted for call monitoring. (See page 5, lines 11-13.) In response to receiving the call monitoring alert signal, consistent with embodiments of the invention, the CPE may provide an alert to the called party that indicates to the called party that the call monitoring is available. (See page 5, lines 13-14.) The alert can be a distinctive ring, a visual indicator or another type of alert. (See page 5, line 15.) The called party may then respond to the alert (e.g. lifts the handset) to activate manual call monitoring. (See page 5, lines 15-16.) Additionally, consistent with embodiments of the invention, the CO

can augment the distinctive ring with a call monitoring data message using for example, in-band TR-30 signaling or Integrated Service Digital Network (ISDN) signaling. (See page 5, lines 17-19.) In response to the alert signal or the activate call monitoring data message, a special CPE may activate call monitoring by automatically going off-hook and activating its speaker in muted mode. (See page 5, lines 19-21.) This, for example, may allow the called party to have hands-free call monitoring. (See page 5, lines 21-22.) In *Howe*, sending both a call monitoring alert signal and an activate call monitoring data message to CPE associated with the called party is not disclosed. Rather *Howe* merely discloses providing the called party with three choices: accept a communication; reject the communication; or request monitoring of the communication. (See col. 10, lines 29-33.) In short, *Howe* is completely silent at least with respect to the claimed activate call monitoring data message.

*Howe* does not anticipate the claimed invention because *Howe* at least does not disclose "sending a call monitoring alert signal and an activate call monitoring data message to customer premises equipment (CPE) associated with the called party, wherein the call monitoring alert signal and the activate call monitoring data message alert the called party that call monitoring is available", as recited by amended Claim 18. Moreover, *Howe* does not anticipate the claimed invention because *Howe* at least does not disclose "in response to receiving the activate call monitoring data message, providing call monitoring to the called party, wherein the CPE automatically goes off-hook and engages a speaker assembly to provide call monitoring to the called party", as recited by amended Claim 30. Accordingly, independent Claims 18 and 30 patentably

distinguish the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of Claims 18 and 30.

III. Rejection of Claims 26-29 Under 35 U.S.C. § 103(a)

In the Final Office Action, the Examiner rejected Claims 26-29 under 35 U.S.C. § 103(a) as being unpatentable over *Howe* in view of U.S. Patent No. 4,811,381 ("*Woo*") further in view of U.S. Patent No. 6,295,341 ("*Muller*"). Claim 26 has been amended, and Applicants respectfully submit that the amendment overcomes this rejection and adds no new matter. Claim 29 has been amended to place it in better form for consideration.

Amended Claim 26 is patentably distinguishable over the cited art for at least the reason that it recites, for example, "receiving a call at a voice mailbox of the VMS associated with a called party number, wherein the call is forwarded from a central office switch to the voice mailbox of the VMS."

In contrast, *Howe* at least does not disclose receiving a call forwarded from a central office (CO) switch to a voice mailbox of a VMS associated with a called party number. For example, *Howe* discloses that the present invention calls the called party at the determined location. In the preferred embodiment of *Howe*, the call is initiated by a service node 16. (See col. 9, lines 18-20.) If the called line is busy, or if there is no answer, the communication is routed to a message service. (See col. 9, lines 20-22.) Consistent with an embodiment of the invention, a central office switch forwards unanswered calls to a VMS. (See Specification page 10, lines 12-14.) In *Howe*, the call is not forwarded from a central office switch to a voice mailbox of a VMS associated

with a called party, rather the call is routed from service node 16 to a message service. Neither service node 16 or message service comprise a CO switch. In *Howe*, service node 16 includes the message service. (See FIG. 1.)

Furthermore, *Woo* does not overcome *Howe's* deficiencies. *Woo* merely discloses that an integration device 30 makes it easier for outside callers who are forwarded to a voice message system to leave a message. (See col. 4, lines 54-56.) Because the integration device automatically provides the VMS with the identity of the called party, outside callers are not required to reenter the extension number of the person they are calling. (See col. 4, lines 56-59.) They simply wait for the end of the personal greeting, and then record a message. (See col. 4, lines 59-61.) This capability is essential for callers with rotary telephones, since they are incapable of telling the VMS the identity of the called party. (See col. 4, lines 61-63.) Unlike *Woo*, consistent with an embodiment of the invention, a central office switch forwards unanswered calls to a VMS. (See Specification page 10, lines 12-14.) Like *Howe*, *Woo* at least does not disclose receiving a call forwarded from a central office (CO) switch to a voice mailbox of a VMS associated with a called party number.

Moreover, *Muller* does not overcome *Howe* and *Woo's* deficiencies. *Muller* merely discloses that the Network Based Voice Mail System 6 transmits a number of messages remaining while simultaneously transmitting voice messages (thus, data over voice). (See col. 5, lines 5-7.) While the basic concept of *Muller* requires no modifications to the local switch or network based voice mail system 6, this capability will require a modification to the existing network based voice mail system 6. (See col. 5, lines 8-12.) Unlike *Muller*, consistent with an embodiment of the invention, a central



office switch forwards unanswered calls to a VMS. (See Specification, page 10, lines 12-14.) Like *Howe* and *Woo*, *Muller* at least does not disclose receiving a call forwarded from a central office (CO) switch to a voice mailbox of a VMS associated with a called party number.

Combining *Howe* with *Woo* and *Muller* would not have led to the claimed invention because *Howe*, *Woo*, and *Muller*, either individually or in combination, at least do not disclose "receiving a call at a voice mailbox of the VMS associated with a called party number, wherein the call is forwarded from a central office switch to the voice mailbox of the VMS", as recited by amended Claim 26. Accordingly, independent Claim 26 patentably distinguishes the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of Claim 26.

Dependent Claims 27-29 are also allowable at least for the reasons described above regarding independent Claim 26, and by virtue of their dependency upon independent Claim 26. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 27-29.

#### IV. Rejection of Claims 3-5 Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 3-5 under 35 U.S.C. § 103(a) as being unpatentable over *Howe* in view of *Woo*. Dependent Claims 3-5 are patentably distinguishable over the cited art for at least for the reason that they include, due to their dependency on amended independent Claim 1, "means for determining if the call was forwarded prior to being forwarded to the VMS" and "if the call was forwarded prior to being forwarded to the VMS, means for denying call monitoring."

In contrast, *Howe* at least does not disclose the aforementioned recitation. For example, *Howe* discloses that a message service is provided by a service node 16, and includes a voice mail service. (See col. 9, lines 26-28.) The message service also may comprise an answering machine-type service, or any other real-time connection-oriented electronic messaging service including a video voice mail service or an electronic mail equivalent of a voice mail service. (See col. 9, lines 28-33.) The service node 16 may also route the communication to an external message service 29 based on the telephone number of the external message service 29 provided by the service control point 15. (See col. 9, lines 33-36.) The service node 16 then disconnects itself from the communication by sending a transfer message to the service switching point 14. (See col. 9, lines 36-38.) In contrast, embodiments of the invention may include a voice mail system (VMS) 102 and a central office (CO) switch 100. (See Fig. 1 and page 7, lines 4- 5.)-VMS 102 may receive a forwarded call from CO 100. (See page 11, line 23.) With embodiments of the invention, VMS 102 may determine whether the call was forwarded, prior to being forwarded to VMS 102. (See page 11, lines 23-25.) If the call was not previously forwarded, consistent with an embodiment of the invention, then VMS 102 may send a start of greeting (SOG) signal to CO 100. (See page 11, lines 25-26.) In *Howe*, determining whether the call was forwarded prior to being forwarded to the voice mail system is not disclosed. In addition, *Howe* does not disclose denying call monitoring if the call was forwarded prior to being forwarded to the voice mail system. Rather *Howe* merely discloses message services comprising an answering machine-type service, or any other real-time connection-oriented electronic

messaging service including a video voice mail service or an electronic mail equivalent of a voice mail service. (See col. 9, lines 28-33.)

Furthermore, *Woo* does not overcome *Howe*'s deficiencies. *Woo* merely discloses a direct inward dial integration apparatus. Like *Howe*, *Woo* at least does not disclose determining whether the call was forwarded prior to being forwarded to the voice mail system.

Combining *Howe* with *Woo* would not have led to the claimed invention because *Howe* and *Woo*, either individually or in combination, at least do not disclose "means for determining if the call was forwarded prior to being forwarded to the VMS" and "if the call was forwarded prior to being forwarded to the VMS, means for denying call monitoring", as included in dependent Claims 3-5. Accordingly, dependent Claims 3-5 patentably distinguish the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of dependent Claims 3-5.

V. Rejection of Claims 6-7 Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 6-7 under 35 U.S.C. § 103(a) as being unpatentable over *Howe* in view of U.S. Patent No. 5,946,386 ("*Rogers*"). Dependent Claims 6-7 are patentably distinguishable over the cited art for at least for the reason that they include, due to their dependency on amended independent Claim 1, "means for determining if the call was forwarded prior to being forwarded to the VMS" and "if the call was forwarded prior to being forwarded to the VMS, means for denying call monitoring."

In contrast, *Howe* at least does not disclose the aforementioned recitation. For example, *Howe* discloses that a message service is provided by a service node 16, and includes a voice mail service. (See col. 9, lines 26-28.) The message service also may comprise an answering machine-type service, or any other real-time connection-oriented electronic messaging service including a video voice mail service or an electronic mail equivalent of a voice mail service. (See col. 9, lines 28-33.) The service node 16 may also route the communication to an external message service 29 based on the telephone number of the external message service 29 provided by the service control point 15. (See col. 9, lines 33-36.) The service node 16 then disconnects itself from the communication by sending a transfer message to the service switching point 14. (See col. 9, lines 36-38.) In contrast, embodiments of the invention may include a voice mail system (VMS) 102 and a central office (CO) switch 100. (See Fig. 1 and page 7, lines 4- 5.) VMS 102 may receive a forwarded call from CO 100. (See page 11, line 23.) With embodiments of the invention, VMS 102 may determine whether the call was forwarded, prior to being forwarded to VMS 102. (See page 11, lines 23-25.) If the call was not previously forwarded, consistent with an embodiment of the invention, then VMS 102 may send a start of greeting (SOG) signal to CO 100. (See page 11, lines 25-26.) In *Howe*, determining whether the call was forwarded prior to being forwarded to the voice mail system is not disclosed. In addition, *Howe* does not disclose denying call monitoring if the call was forwarded prior to being forwarded to the voice mail system. Rather *Howe* merely discloses message services comprising an answering machine-type service, or any other real-time connection-oriented electronic

messaging service including a video voice mail service or an electronic mail equivalent of a voice mail service. (See col. 9, lines 28-33.)

Furthermore, *Rogers* does not overcome *Howe*'s deficiencies. *Rogers* merely discloses a call management system with call control from user workstation computers. Like *Howe*, *Rogers* at least does not disclose determining whether the call was forwarded prior to being forwarded to the voice mail system.

Combining *Howe* with *Rogers* would not have led to the claimed invention because *Howe* and *Rogers*, either individually or in combination, at least do not disclose "means for determining if the call was forwarded prior to being forwarded to the VMS" and "if the call was forwarded prior to being forwarded to the VMS, means for denying call monitoring", as included in dependent Claims 6-7. Accordingly, dependent Claims 6-7 patentably distinguish the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of dependent Claims 6-7.

VI. Rejection of Claim 8 Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claim 8 under 35 U.S.C. § 103(a) as being unpatentable over *Howe* in view of *Rogers* further in view of U.S. Patent No. 5,748,718 ("*Manicome* "). Dependent Claim 8 is patentably distinguishable over the cited art for at least for the reason that they include, due to its dependency on amended independent Claim 1, "means for determining if the call was forwarded prior to being forwarded to the VMS" and "if the call was forwarded prior to being forwarded to the VMS, means for denying call monitoring."

In contrast, *Howe* at least does not disclose the aforementioned recitation. For example, *Howe* discloses that a message service is provided by a service node 16, and includes a voice mail service. (See col. 9, lines 26-28.) The message service also may comprise an answering machine-type service, or any other real-time connection-oriented electronic messaging service including a video voice mail service or an electronic mail equivalent of a voice mail service. (See col. 9, lines 28-33.) The service node 16 may also route the communication to an external message service 29 based on the telephone number of the external message service 29 provided by the service control point 15. (See col. 9, lines 33-36.) The service node 16 then disconnects itself from the communication by sending a transfer message to the service switching point 14. (See col. 9, lines 36-38.) In contrast, embodiments of the invention may include a voice mail system (VMS) 102 and a central office (CO) switch 100. (See Fig. 1 and page 7, lines 4- 5.) VMS 102 may receive a forwarded call from CO 100. (See page 11, line 23.) With embodiments of the invention, VMS 102 may determine whether the call was forwarded, prior to being forwarded to VMS 102. (See page 11, lines 23-25.) If the call was not previously forwarded, consistent with an embodiment of the invention, then VMS 102 may send a start of greeting (SOG) signal to CO 100. (See page 11, lines 25-26.) In *Howe*, determining whether the call was forwarded prior to being forwarded to the voice mail system is not disclosed. In addition, *Howe* does not disclose denying call monitoring if the call was forwarded prior to being forwarded to the voice mail system. Rather *Howe* merely discloses message services comprising an answering machine-type service, or any other real-time connection-oriented electronic

messaging service including a video voice mail service or an electronic mail equivalent of a voice mail service. (See col. 9, lines 28-33.)

Furthermore, *Rogers* does not overcome *Howe's* deficiencies. *Rogers* merely discloses a call management system with call control from user workstation computers. Like *Howe*, *Rogers* at least does not disclose determining whether the call was forwarded prior to being forwarded to the voice mail system.

Moreover, *Manicome* does not overcome *Rogers* and *Howe's* deficiencies. *Manicome* merely discloses a telephone monitoring system to reduce consumer payments of telephone bill. Like *Rogers* and *Howe*, *Manicome* at least does not disclose determining whether the call was forwarded prior to being forwarded to the voice mail system.

Combining *Howe* with *Rogers* and *Manicome* would not have led to the claimed invention because *Howe*, *Manicome*, and *Rogers*, either individually or in combination, at least do not disclose "means for determining if the call was forwarded prior to being forwarded to the VMS" and "if the call was forwarded prior to being forwarded to the VMS, means for denying call monitoring", as included in dependent Claim 8. Accordingly, dependent Claim 8 patentably distinguishes the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of dependent Claim 8.

#### VII. Rejection of Claim 9 Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claim 9 under 35 U.S.C. § 103(a) as being unpatentable over *Howe* in view of *Manicome*. Dependent Claim 9 is patentably

distinguishable over the cited art for at least for the reason that they include, due to its dependency on amended independent Claim 1, “means for determining if the call was forwarded prior to being forwarded to the VMS” and “if the call was forwarded prior to being forwarded to the VMS, means for denying call monitoring.”

In contrast, *Howe* at least does not disclose the aforementioned recitation. For example, *Howe* discloses that a message service is provided by a service node 16, and includes a voice mail service. (See col. 9, lines 26-28.) The message service also may comprise an answering machine-type service, or any other real-time connection-oriented electronic messaging service including a video voice mail service or an electronic mail equivalent of a voice mail service. (See col. 9, lines 28-33.) The service node 16 may also route the communication to an external message service 29 based on the telephone number of the external message service 29 provided by the service control point 15. (See col. 9, lines 33-36.) The service node 16 then disconnects itself from the communication by sending a transfer message to the service switching point 14. (See col. 9, lines 36-38.) In contrast, embodiments of the invention may include a voice mail system (VMS) 102 and a central office (CO) switch 100. (See Fig. 1 and page 7, lines 4- 5.) VMS 102 may receive a forwarded call from CO 100. (See page 11, line 23.) With embodiments of the invention, VMS 102 may determine whether the call was forwarded, prior to being forwarded to VMS 102. (See page 11, lines 23-25.) If the call was not previously forwarded, consistent with an embodiment of the invention, then VMS 102 may send a start of greeting (SOG) signal to CO 100. (See page 11, lines 25-26.) In *Howe*, determining whether the call was forwarded prior to being forwarded to the voice mail system is not disclosed. In addition, *Howe* does not



disclose denying call monitoring if the call was forwarded prior to being forwarded to the voice mail system. Rather *Howe* merely discloses message services comprising an answering machine-type service, or any other real-time connection-oriented electronic messaging service including a video voice mail service or an electronic mail equivalent of a voice mail service. (See col. 9, lines 28-33.)

Moreover, *Manicome* does not overcome *Howe*'s deficiencies. *Manicome* merely discloses a telephone monitoring system to reduce consumer payments of telephone bill. Like *Howe*, *Manicome* at least does not disclose determining whether the call was forwarded prior to being forwarded to the voice mail system.

Combining *Howe* with *Manicome* would not have led to the claimed invention because *Howe* and *Manicome*, either individually or in combination, at least do not disclose "means for determining if the call was forwarded prior to being forwarded to the VMS" and "if the call was forwarded prior to being forwarded to the VMS, means for denying call monitoring", as included in dependent Claim 9. Accordingly, dependent Claim 9 patentably distinguishes the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of dependent Claim 9.

VIII. Rejection of Claims 10-12, 14-15, 22-23, and 25 Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 10-12, 14-15, 22-23, and 25 under 35 U.S.C. § 103(a) as being unpatentable over *Howe* in view of *Manicome* further in view of U.S. Patent No. 6,031,896 ("*Garde!*"). Claims 22-23 and 25 have been canceled without prejudice or disclaimer. Dependent 10-12 are patentably distinguishable over the cited art for at least for the reason that they include, due to their

dependency on amended independent Claim 1, “means for determining if the call was forwarded prior to being forwarded to the VMS” and “if the call was forwarded prior to being forwarded to the VMS, means for denying call monitoring.” Dependent 14-15 are patentably distinguishable over the cited art for at least for the reason that they include, due to their dependency on amended independent Claim 13, “determining whether the call was forwarded prior to being forwarded to the voice mail system; if the call was not forwarded prior to being forwarded to the voice mail system...” and “if the call was forwarded prior to being forwarded to the voice mail system, then denying call monitoring.”

In contrast, *Howe* at least does not disclose the aforementioned recitation. For example, *Howe* discloses that a message service is provided by a service node 16, and includes a voice mail service. (See col. 9, lines 26-28.) The message service also may comprise an answering machine-type service, or any other real-time connection-oriented electronic messaging service including a video voice mail service or an electronic mail equivalent of a voice mail service. (See col. 9, lines 28-33.) The service node 16 may also route the communication to an external message service 29 based on the telephone number of the external message service 29 provided by the service control point 15. (See col. 9, lines 33-36.) The service node 16 then disconnects itself from the communication by sending a transfer message to the service switching point 14. (See col. 9, lines 36-38.) In contrast, embodiments of the invention may include a voice mail system (VMS) 102 and a central office (CO) switch 100. (See Fig. 1 and page 7, lines 4- 5.) VMS 102 may receive a forwarded call from CO 100. (See page 11, line 23.) With embodiments of the invention, VMS 102 may determine whether the

call was forwarded, prior to being forwarded to VMS 102. (See page 11, lines 23-25.) If the call was not previously forwarded, consistent with an embodiment of the invention, then VMS 102 may send a start of greeting (SOG) signal to CO 100. (See page 11, lines 25-26.) In *Howe*, determining whether the call was forwarded prior to being forwarded to the voice mail system is not disclosed. In addition, *Howe* does not disclose denying call monitoring if the call was forwarded prior to being forwarded to the voice mail system. Rather *Howe* merely discloses message services comprising an answering machine-type service, or any other real-time connection-oriented electronic messaging service including a video voice mail service or an electronic mail equivalent of a voice mail service. (See col. 9, lines 28-33.)

Furthermore, *Manicome* does not overcome *Howe*'s deficiencies. *Manicome* merely discloses a telephone monitoring system to reduce consumer payments of telephone bill. Like *Howe*, *Manicome* at least does not disclose determining whether the call was forwarded prior to being forwarded to the voice mail system is not disclosed. In addition, *Manicome* does not disclose denying call monitoring if the call was forwarded prior to being forwarded to the voice mail system.

Moreover, *Gardel* does not overcome *Manicome* and *Howe*'s deficiencies. *Gardel* merely discloses a real-time voicemail monitoring and call control over the internet. Like *Manicome* and *Howe*, *Gardel* at least does not disclose determining whether the call was forwarded prior to being forwarded to the voice mail system is not disclosed. In addition, *Manicome* does not disclose denying call monitoring if the call was forwarded prior to being forwarded to the voice mail system.

Combining *Howe* with *Manicome* and *Gardel* would not have led to the claimed invention because *Howe*, *Manicome*, and *Gardel*, either individually or in combination, at least do not disclose “means for determining if the call was forwarded prior to being forwarded to the VMS” and “if the call was forwarded prior to being forwarded to the VMS, means for denying call monitoring”, as included in dependent Claims 10-12. Furthermore, combining *Howe* with *Manicome* and *Gardel* would not have led to the claimed invention because *Howe*, *Manicome*, and *Gardel*, either individually or in combination, at least do not disclose “means for determining if the call was forwarded prior to being forwarded to the VMS” and “if the call was forwarded prior to being forwarded to the VMS, means for denying call monitoring”, as included in dependent Claims 14-15. Accordingly, dependent Claims 10-12 and 14-15 patentably distinguish the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of dependent Claims 10-12 and 14-15.

IX. Rejection of Claims 34-38 Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 34-38 under 35 U.S.C. § 103(a) as being unpatentable over *Howe* in view of *Manicome* further in view of U.S. Patent No. 6,031,896 ("*Gardel*"). Dependent Claims 34-38 are patentably distinguishable over the cited art for at least for the reason that they include, due to their dependency on amended independent Claim 30, “in response to receiving the activate call monitoring data message, providing call monitoring to the called party, wherein the CPE automatically goes off-hook and engages a speaker assembly to provide call monitoring to the called party.”

In contrast, *Howe* at least does not disclose the aforementioned recitations. For example, *Howe* discloses that if a called party picked up within the first three rings, the called party has three choices: accept a communication; reject the communication; or request monitoring of the communication. (See col. 10, lines 29-33.) If the called party requests monitoring of the communication, the communication is routed to a message service and a one-way connection from the communication to the called party is established via service node 16 so that the called party may monitor the communication. (See col. 9, lines 53-57.) In contrast, embodiments of the invention may include the CPE receiving the call monitoring alert signal and the active call monitoring data message. (See page 5, lines 10-11.) For example, the CPE can be a conventional CPE or a special CPE, where a special CPE is a CPE especially adapted for call monitoring. (See page 5, lines 11-13.) In response to receiving the call monitoring alert signal, consistent with embodiments of the invention, the CPE may provide an alert to the called party that indicates to the called party that the call monitoring is available. (See page 5, lines 13-14.) The alert can be a distinctive ring, a visual indicator or another type of alert. (See page 5, line 15.) The called party may then respond to the alert (e.g. lifts the handset) to activate manual call monitoring. (See page 5, lines 15-16.) Additionally, consistent with embodiments of the invention, the CO can augment the distinctive ring with a call monitoring data message using for example, in-band TR-30 signaling or Integrated Service Digital Network (ISDN) signaling. (See page 5, lines 17-19.) In response to the alert signal or the activate call monitoring data message, a special CPE may activate call monitoring by automatically going off-hook and activating its speaker in muted mode. (See page 5, lines 19-21.) This, for

example, may allow the called party to have hands-free call monitoring. (See page 5, lines 21-22.) In *Howe*, sending both a call monitoring alert signal and an activate call monitoring data message to CPE associated with the called party is not disclosed. Rather *Howe* merely discloses providing the called party with three choices: accept a communication; reject the communication; or request monitoring of the communication. (See col. 10, lines 29-33.) In short, *Howe* is completely silent at least with respect to the claimed activate call monitoring data message.

Furthermore, *Manicome* does not overcome *Howe*'s deficiencies. *Manicome* merely discloses a telephone monitoring system to reduce consumer payments of telephone bill. Like *Howe*, *Manicome* at least does not disclose sending both a call monitoring alert signal and an activate call monitoring data message to CPE associated with the called party.

Moreover, *Gardel* does not overcome *Manicome* and *Howe*'s deficiencies. *Gardel* merely discloses a real-time voicemail monitoring and call control over the internet. Like *Manicome* and *Howe*, *Gardel* at least does not disclose sending both a call monitoring alert signal and an activate call monitoring data message to CPE associated with the called party.

Combining *Howe* with *Manicome* and *Gardel* would not have led to the claimed invention because *Howe*, *Manicome*, and *Gardel*, either individually or in combination, at least do not disclose "in response to receiving the activate call monitoring data message, providing call monitoring to the called party, wherein the CPE automatically goes off-hook and engages a speaker assembly to provide call monitoring to the called party", as included in dependent Claims 34-38. Accordingly, dependent Claims 34-38

patentably distinguish the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of dependent Claims 34-38.

X. Rejection of Claim 14-17 Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 14-17 under 35 U.S.C. § 103(a) as being unpatentable over *Howe* in view of *Rogers*. Dependent Claims 14-17 are patentably distinguishable over the cited art for at least for the reason that they include, due to their dependency on amended independent Claim 13, “determining whether the call was forwarded prior to being forwarded to the voice mail system; if the call was not forwarded prior to being forwarded to the voice mail system...” and “if the call was forwarded prior to being forwarded to the voice mail system, then denying call monitoring.”

In contrast, *Howe* at least does not disclose the aforementioned recitation. For example, *Howe* discloses that a message service is provided by a service node 16, and includes a voice mail service. (See col. 9, lines 26-28.) The message service also may comprise an answering machine-type service, or any other real-time connection-oriented electronic messaging service including a video voice mail service or an electronic mail equivalent of a voice mail service. (See col. 9, lines 28-33.) The service node 16 may also route the communication to an external message service 29 based on the telephone number of the external message service 29 provided by the service control point 15. (See col. 9, lines 33-36.) The service node 16 then disconnects itself from the communication by sending a transfer message to the service switching point 14. (See col. 9, lines 36-38.) In contrast, embodiments of the invention may include a

voice mail system (VMS) 102 and a central office (CO) switch 100. (See Fig. 1 and page 7, lines 4- 5.) VMS 102 may receive a forwarded call from CO 100. (See page 11, line 23.) With embodiments of the invention, VMS may determine whether the call was forwarded, prior to being forwarded to VMS 102. (See page 11, lines 23-25.) If the call was not previously forwarded, consistent with an embodiment of the invention, then VMS 102 may send a start of greeting (SOG) signal to CO 100. (See page 11, lines 25-26.) In *Howe*, determining whether the call was forwarded prior to being forwarded to the voice mail system is not disclosed. In addition, *Howe* does not disclose denying call monitoring if the call was forwarded prior to being forwarded to the voice mail system. Rather *Howe* merely discloses message services comprising an answering machine-type service, or any other real-time connection-oriented electronic messaging service including a video voice mail service or an electronic mail equivalent of a voice mail service. (See col. 9, lines 28-33.)

Furthermore, *Rogers* does not overcome *Howe*'s deficiencies. *Rogers* merely discloses a call management system with call control from user workstation computers. Like *Howe*, *Rogers* at least does not disclose determining whether the call was forwarded prior to being forwarded to the voice mail system is not disclosed. In addition, *Rogers* does not disclose denying call monitoring if the call was forwarded prior to being forwarded to the voice mail system.

Combining *Howe* with *Rogers* would not have led to the claimed invention because *Howe* and *Rogers*, either individually or in combination, at least do not disclose "determining whether the call was forwarded prior to being forwarded to the voice mail system; if the call was not forwarded prior to being forwarded to the voice mail



system...” and “if the call was forwarded prior to being forwarded to the voice mail system, then denying call monitoring”, as included in dependent Claims 14-17.

Accordingly, dependent Claims 14-17 patentably distinguish the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of dependent Claims 14-17.

XI. Rejection of Claim 21, 24, and 31-32 Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 21, 24, and 31-32 under 35 U.S.C. § 103(a) as being unpatentable over *Howe* in view of *Rogers*. Dependent Claims 21 and 24 are patentably distinguishable over the cited art for at least for the reason that they include, due to their dependency on amended independent Claim 18, “sending a call monitoring alert signal and an activate call monitoring data message to customer premises equipment (CPE) associated with the called party, wherein the call monitoring alert signal and the activate call monitoring data message alert the called party that call monitoring is available.” Dependent 31-32 are patentably distinguishable over the cited art for at least for the reason that they include, due to their dependency on amended independent Claim 30, “in response to receiving the activate call monitoring data message, providing call monitoring to the called party, wherein the CPE automatically goes off-hook and engages a speaker assembly to provide call monitoring to the called party.”

In contrast, *Howe* at least does not disclose the aforementioned recitations. For example, *Howe* discloses that if a called party picked up within the first three rings, the called party has three choices: accept a communication; reject the communication; or

request monitoring of the communication. (See col. 10, lines 29-33.) If the called party requests monitoring of the communication, the communication is routed to a message service and a one-way connection from the communication to the called party is established via service node 16 so that the called party may monitor the communication. (See col. 9, lines 53-57.) In contrast, embodiments of the invention may include the CPE receiving the call monitoring alert signal and the active call monitoring data message. (See page 5, lines 10-11.) For example, the CPE can be a conventional CPE or a special CPE, where a special CPE is a CPE especially adapted for call monitoring. (See page 5, lines 11-13.) In response to receiving the call monitoring alert signal, consistent with embodiments of the invention, the CPE may provide an alert to the called party that indicates to the called party that the call monitoring is available. (See page 5, lines 13-14.) The alert can be a distinctive ring, a visual indicator or another type of alert. (See page 5, line 15.) The called party may then respond to the alert (e.g. lifts the handset) to activate manual call monitoring. (See page 5, lines 15-16.) Additionally, consistent with embodiments of the invention, the CO can augment the distinctive ring with a call monitoring data message using for example, in-band TR-30 signaling or Integrated Service Digital Network (ISDN) signaling. (See page 5, lines 17-19.) In response to the alert signal or the activate call monitoring data message, a special CPE may activate call monitoring by automatically going off-hook and activating its speaker in muted mode. (See page 5, lines 19-21.) This, for example, may allow the called party to have hands-free call monitoring. (See page 5, lines 21-22.) In *Howe*, sending both a call monitoring alert signal and an activate call monitoring data message to CPE associated with the called party is not disclosed.

Rather *Howe* merely discloses providing the called party with three choices: accept a communication; reject the communication; or request monitoring of the communication. (See col. 10, lines 29-33.) In short, *Howe* is completely silent at least with respect to the claimed activate call monitoring data message.

Furthermore, *Rogers* does not overcome *Howe*'s deficiencies. *Rogers* merely discloses a call management system with call control from user workstation computers. Like *Howe*, *Rogers* at least does not disclose sending both a call monitoring alert signal and an activate call monitoring data message to CPE associated with the called party.

Combining *Howe* with *Rogers* would not have led to the claimed invention because *Howe* and *Rogers*, either individually or in combination, at least do not disclose "sending a call monitoring alert signal and an activate call monitoring data message to customer premises equipment (CPE) associated with the called party, wherein the call monitoring alert signal and the activate call monitoring data message alert the called party that call monitoring is available", as included in dependent Claims 21 and 24. Moreover, combining *Howe* with *Rogers* would not have led to the claimed invention because *Howe* and *Rogers*, either individually or in combination, at least do not disclose "in response to receiving the activate call monitoring data message, providing call monitoring to the called party, wherein the CPE automatically goes off-hook and engages a speaker assembly to provide call monitoring to the called party", as included in dependent Claims 31-32. Accordingly, dependent Claims 21, 24, and 31-32 patentably distinguish the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of dependent Claims 21, 24, and 31-32.

XII. Rejection of Claim 33 Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claim 33 under 35 U.S.C. § 103(a) as being unpatentable over *Howe* in view of *Manicome*. Dependent Claim 33 is patentably distinguishable over the cited art for at least for the reason that they include, due to its dependency on amended independent Claim 30, "in response to receiving the activate call monitoring data message, providing call monitoring to the called party, wherein the CPE automatically goes off-hook and engages a speaker assembly to provide call monitoring to the called party."

In contrast, *Howe* at least does not disclose the aforementioned recitations. For example, *Howe* discloses that if a called party picked up within the first three rings, the called party has three choices: accept a communication; reject the communication; or request monitoring of the communication. (See col. 10, lines 29-33.) If the called party requests monitoring of the communication, the communication is routed to a message service and a one-way connection from the communication to the called party is established via service node 16 so that the called party may monitor the communication. (See col. 9, lines 53-57.) In contrast, embodiments of the invention may include the CPE receiving the call monitoring alert signal and the active call monitoring data message. (See page 5, lines 10-11.) For example, the CPE can be a conventional CPE or a special CPE, where a special CPE is a CPE especially adapted for call monitoring. (See page 5, lines 11-13.) In response to receiving the call monitoring alert signal, consistent with embodiments of the invention, the CPE may provide an alert to the called party that indicates to the called party that the call monitoring is available. (See page 5, lines 13-14.) The alert can be a distinctive ring, a

visual indicator or another type of alert. (See page 5, line 15.) The called party may then respond to the alert (e.g. lifts the handset) to activate manual call monitoring. (See page 5, lines 15-16.) Additionally, consistent with embodiments of the invention, the CO can augment the distinctive ring with a call monitoring data message using for example, in-band TR-30 signaling or Integrated Service Digital Network (ISDN) signaling. (See page 5, lines 17-19.) In response to the alert signal or the activate call monitoring data message, a special CPE may activate call monitoring by automatically going off-hook and activating its speaker in muted mode. (See page 5, lines 19-21.) This, for example, may allow the called party to have hands-free call monitoring. (See page 5, lines 21-22.) In *Howe*, sending both a call monitoring alert signal and an activate call monitoring data message to CPE associated with the called party is not disclosed. Rather *Howe* merely discloses providing the called party with three choices: accept a communication; reject the communication; or request monitoring of the communication. (See col. 10, lines 29-33.) In short, *Howe* is completely silent at least with respect to the claimed activate call monitoring data message.

Furthermore, *Manicome* does not overcome *Howe*'s deficiencies. *Manicome* merely discloses a telephone monitoring system to reduce consumer payments of telephone bill. Like *Howe*, *Manicome* at least does not disclose sending both a call monitoring alert signal and an activate call monitoring data message to CPE associated with the called party.

Combining *Howe* with *Manicome* would not have led to the claimed invention because *Howe* and *Manicome* either individually or in combination, at least do not disclose "in response to receiving the activate call monitoring data message, providing

call monitoring to the called party, wherein the CPE automatically goes off-hook and engages a speaker assembly to provide call monitoring to the called party”, as included in dependent Claim 33. Accordingly, dependent Claim 33 patentably distinguishes the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of dependent Claim 33.

XIII. Rejection of Claims 19-20 Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 19-20 under 35 U.S.C. § 103(a) as being unpatentable over *Howe* in view of *Woo*. Dependent Claims 19-20 are patentably distinguishable over the cited art for at least for the reason that they include, due to their dependency on amended independent Claim 18, “sending a call monitoring alert signal and an activate call monitoring data message to customer premises equipment (CPE) associated with the called party, wherein the call monitoring alert signal and the activate call monitoring data message alert the called party that call monitoring is available.”

In contrast, *Howe* at least does not disclose the aforementioned recitations. For example, *Howe* discloses that if a called party picked up within the first three rings, the called party has three choices: accept a communication; reject the communication; or request monitoring of the communication. (See col. 10, lines 29-33.) If the called party requests monitoring of the communication, the communication is routed to a message service and a one-way connection from the communication to the called party is established via service node 16 so that the called party may monitor the communication. (See col. 9, lines 53-57.) In contrast, embodiments of the invention

may include the CPE receiving the call monitoring alert signal and the active call monitoring data message. (See page 5, lines 10-11.) For example, the CPE can be a conventional CPE or a special CPE, where a special CPE is a CPE especially adapted for call monitoring. (See page 5, lines 11-13.) In response to receiving the call monitoring alert signal, consistent with embodiments of the invention, the CPE may provide an alert to the called party that indicates to the called party that the call monitoring is available. (See page 5, lines 13-14.) The alert can be a distinctive ring, a visual indicator or another type of alert. (See page 5, line 15.) The called party may then respond to the alert (e.g. lifts the handset) to activate manual call monitoring. (See page 5, lines 15-16.) Additionally, consistent with embodiments of the invention, the CO can augment the distinctive ring with a call monitoring data message using for example, in-band TR-30 signaling or Integrated Service Digital Network (ISDN) signaling. (See page 5, lines 17-19.) In response to the alert signal or the activate call monitoring data message, a special CPE may activate call monitoring by automatically going off-hook and activating its speaker in muted mode. (See page 5, lines 19-21.) This, for example, may allow the called party to have hands-free call monitoring. (See page 5, lines 21-22.) In *Howe*, sending both a call monitoring alert signal and an activate call monitoring data message to CPE associated with the called party is not disclosed. Rather *Howe* merely discloses providing the called party with three choices: accept a communication; reject the communication; or request monitoring of the communication. (See col. 10, lines 29-33.) In short, *Howe* is completely silent at least with respect to the claimed activate call monitoring data message.

Furthermore, *Woo* does not overcome *Howe*'s deficiencies. *Woo* merely discloses a direct inward dial integration apparatus. Like *Howe*, *Woo* at least does not disclose sending both a call monitoring alert signal and an activate call monitoring data message to CPE associated with the called party.

Combining *Howe* with *Woo* would not have led to the claimed invention because *Howe* and *Woo*, either individually or in combination, at least do not disclose "sending a call monitoring alert signal and an activate call monitoring data message to customer premises equipment (CPE) associated with the called party, wherein the call monitoring alert signal and the activate call monitoring data message alert the called party that call monitoring is available", as included in dependent Claims 19-20. Accordingly, dependent Claims 19-20 patentably distinguish the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of dependent Claims 19-20.

#### XIV. New Claim

Claim 39 has been added to more distinctly define and to round out the protection for the invention to which Applicants are entitled. Applicants respectfully submit that this claim is allowable over the cited art and that it adds no new matter.

#### XV. Conclusion

In view of the foregoing remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that



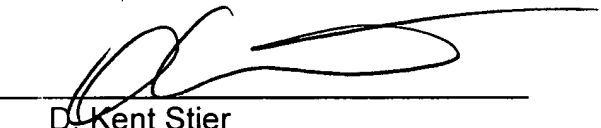
were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,

Dated: November 29, 2005

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